



Docket No.: 1793.1057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Bong-Hwoan CHOI

Confirmation No. 7756

Serial No. 10/700,471

Group Art Unit: 2627

Filed: November 5, 2003

Examiner: Gautam Patel

For: APPARATUS METHOD FOR DETECTING TILT AT INNER AND OUTER
CIRCUMFERENCE AND DETERMINING TILT DEGREE BASED ON TIMES WHEN
FOCUS ERROR SIGNALS ARE DETECTED (As Amended)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the "Reasons for Allowance", it is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance. By way of example and not limitation, claim 1 does not include the language "focus error signal generation based on time and tilt degree is determine based in time T1 and T2 and



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tilt is compared with a reference value" referenced in the statement.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

April 18, 2007

By:

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